

ORIGINAL  
FILED

1 DAVID S. WILSON, III, ESQ. State Bar No. 174947  
dswilson@fedex.com  
2 STACEY O. JUE, ESQ., State Bar No. 231429  
stacey.jue@fedex.com  
3 **FEDERAL EXPRESS CORPORATION**  
2601 Main Street, Suite 340  
4 Irvine, California 92614  
Telephone: (949) 862-4638  
5 Facsimile: (949) 862-4605

07 MAY 22 AM 10:51

RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT

COPY

6 Attorneys for Defendant  
7 **FEDERAL EXPRESS CORPORATION**

409  
E-FILED

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA

12 ANTHONY YARBER,

CASE NO.: **C07 02695 EMC**

14 Plaintiff,

NOTICE OF PENDENCY OF OTHER  
ACTION OR PROCEEDING

15 vs.

16 FEDERAL EXPRESS CORPORATION, a  
17 business entity; and DOES 1-25, inclusive,

18 Defendants.

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1 Pursuant to United States District Court for the Northern District of California Local Rule 3-  
2 13, counsel for Defendant Federal Express Corporation (hereinafter referred to as "Defendant")  
3 hereby avers that:

4 1. To Defendant's knowledge, no action previously filed or currently pending in the  
5 Northern District appears to arise from the same or closely related transaction, happening, or event  
6 as in the pending lawsuit of Anthony Yarber (hereinafter referred to as "Plaintiff").

7 2. To Defendant's knowledge, no action previously filed or currently pending in the  
8 Northern District appears to call for determination of the same or substantially related or similar  
9 questions of law and fact as Plaintiff's pending lawsuit;

10 3. To Defendant's knowledge, no action previously filed or currently pending in the  
11 Northern District appears likely to entail substantial duplication of labor if heard by a different judge  
12 as Plaintiff's lawsuit; and

13 4. Plaintiff's pending lawsuit does not involve issues of patent, trademark, or copyright.

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15 DATED: May 22, 2007.

Respectfully submitted,

16  
17 By:

STACEY D. JUE  
Attorney for Defendant  
FEDERAL EXPRESS CORPORATION

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## CERTIFICATE OF SERVICE

I declare that I am employed with the Legal Department of Federal Express Corporation "Fed Ex" LLP, whose address is 2601 Main Street, Suite 340, Irvine, California 92614. I am not a party to the within cause, and I am over the age of eighteen years.

I further declare that on May 22, 2007, I served a copy of:

**DEFENDANT FEDERAL EXPRESS CORPORATION'S  
NOTICE OF REMOVAL**

**BY OVERNIGHT DELIVERY** [Fed. Rule Civ. Proc. rule 5(b)] by placing a true copy thereof enclosed in a sealed envelope with delivery fees provided for, addressed as follows, for collection by Fed Ex Express, at 2601 Main Street, suite 340, Irvine, California 92614 in accordance with Fed Ex's ordinary business practices.

I am readily familiar with Fed Ex's practice for collection and processing of correspondence for overnight delivery and know that in the ordinary course of Fed Ex's business practice the document(s) described above will be deposited in a box or other facility regularly maintained by Fed Ex Express or delivered to an authorized courier or driver authorized by Fed Ex Express to receive documents on the same date that it (they) is are placed at Fed Ex for collection.

Paul B. Justi, Esq.  
Law Offices of Paul B. Justi  
18 Crow Canyon Court, Suite 160  
San Ramon, CA 94583  
Tel: 925-837-9677 / Fax: 925-837-0548

Attorney for Plaintiff Anthony Yarber

I declare under penalty of perjury that the foregoing is true and correct. I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed at Irvine, California, this 22<sup>nd</sup> day of May, 2007.

Valerie Dimalanta-Segal  
(typed)

Alene Dimalanta-Segaf  
(signature)